

August 19, 2002

**Public Notice for Clean Water Act, Section 401 Water Quality Certification
Thomas R. Bess Asphalt, Sand and Gravel- Gravel Extraction Operations
WDID No. 1B02124WNHU**

Humboldt County

On August 8, 2002, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Thomas R. Bess Asphalt, Sand and Gravel requesting Federal Clean Water Act Section 401 Water Quality Certification for the Tom Bess gravel extraction operations in the Van Duzen River in Humboldt County, California. The application was deemed complete on August 15, 2002. The proposed project causes disturbances to waters of the United States associated with the Van Duzen River located in the Eel River Hydrologic Unit No. 111.00.

The proposed project is located near Carlotta, California at the mouth of the Van Duzen River in Section 27, Township 2 North, Range 1 East, HB&M. Gravel extraction operations will occur at the Bess Bar.

The project involves extraction of up to 20,000 cubic yards of gravel and fines from the Van Duzen River per year. The project requires the temporary disturbance of 0 to 20 acres at the Bess Bar site. Extraction methods include skimming, excavation of wetland pits on terraces above the ordinary high water mark (OHWM), excavating alcoves, and dry trenching where surface flow is not present. Equipment used for gravel extraction operations includes front-end loaders, excavators, and bulldozers, which skim exposed gravel bars adjacent to the low-flow channel. Impacts caused by gravel extraction operations are temporary due to annual replenishment of gravel and fines during high winter flows.

Compensatory mitigation is not required for this project. Noncompensatory mitigation measures include the use of Best Management Practices (BMPs). BMPs required for gravel extraction operations are outlined in US Army Corps of Engineers' Letter of Permission, LOP 96-1, and include the use of existing haul roads and processing sites and limiting stream crossings when practicable. Vertical and horizontal offsets of the extraction area will be maintained to prevent incidental fill. Annual extraction plans are created to compliment natural bar topography minimizing the potential for geomorphologic changes associated with gravel extraction activities.

The Humboldt County Planning Commission, as the lead California Environmental Quality Act (CEQA) agency, adopted a Final Program Environmental Impact Report (PEIR) on Gravel Removal from the Lower Eel River in 1992. The Lower Eel River PEIR also covers gravel extraction activities on the lower Van Duzen River.

Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and Title 23, California Code of Regulations, Sections 3830-3869. Comments on this project should be submitted to Miguel Villicana at villm@rb1.swrcb.ca.gov within 21 days of the posting of this notice.